**IN THE UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF WEST VIRGINIA, CHARLESTON DIVISION**

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL 2327

THIS DOCUMENT RELATES TO:
ALL CASES

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**_AMENDED_ APPLICATION FOR APPOINTMENT AS CO-LEAD COUNSEL OF MDL 2325, FOR APPOINTMENT TO THE EXECUTIVE COMMITTEE OF MDL 2325, 2326 AND 2327, AND FOR APPOINTMENT TO PLAINTIFFS' STEERING COMMITTEE**

Comes now Amy Eskin, Esq., who files this Application for Appointment as Co-Lead of the American Medical Systems' ("AMS") MDL, for Appointment to the Executive Committee of MDL 2325, 2326 and 2327, and for Appointment to Plaintiffs' Steering Committee. I have reviewed the *Plaintiffs' Proposed Counsel Organizational Structure* plan filed with the Court for MDL 2325, 2326 and 2327 on March 19, 2012, and join in the recommendation to the Court that the plan be accepted.

I have been thoroughly committed to and actively involved in litigating transvaginal mesh ("TVM") cases since 2008 when I filed the first TVM case in federal court against AMS (*Ambroff v. American Medical Systems* No. 3:08 cv-04289 (N.D. Cal.)) which recently resolved prior to its scheduled trial date of April 16, 2012, after all discovery was completed. I personally conducted extensive fact discovery, developed and retained nationally known experts in various fields including the medical, scientific, regulatory and causation issues related to mesh products, deposed experts, reviewed thousands of pages of liability documents, and deposed numerous AMS employees including its Senior Director of Global Quality and Regulatory Affairs, Global Product Manager, Quality Control Manager, Complaint Audit Compliance Manager, General Manager of Women's Health Division, Principal Research Scientist, Director of Clinical Affairs, Senior Regulatory Affairs Specialist and Director of Medical Engineering. I represented plaintiffs in an Arizona state court TVM action against AMS filed in 2008.[1] I obtained and

reviewed all liability documents and conducted all the depositions of AMS witnesses. The case resolved in December 2011 after oral argument on dispositive motions and motions *in limine*. I have been involved in *In Re AMS Pelvic Mesh Products Liability Litigation*, C.A. No. N11C-07-212 MMJ (De. Sup. Ct., New Castle). I have represented women injured by Pelvic Mesh products in State and Federal courts nationwide and currently represent hundreds of women who have been injured by pelvic mesh. I am counsel in multiple cases filed in these pelvic mesh MDLs. I have worked cooperatively with AMS' lead counsel, Reed Smith in those cases and believe that my work and my relationship with defense counsel will contribute significantly to the plaintiffs' ability to advance their cases through this MDL.

I have been practicing law since 1987 and have been a partner with the law firm of Hersh & Hersh in San Francisco, California since 1992.[2] I am an experienced trial lawyer and was elected into membership of the American Board of Trial Advocates in 2004. My practice focuses on complex civil litigation, particularly in the area of drug and medical devices. Hersh & Hersh has concentrated its practice in this area for over 30 years, has substantial experience in mass tort litigation and is a leader in pharmaceutical litigation, often being the first to file, litigate and try cases involving defective medical devices and dangerous drugs involving women's health including DES (representing hundreds of people who had suffered injuries as a result of their *in utero* exposure to the drug and obtaining a $41,000,000 verdict on behalf of eleven women), Breast Implants (in 1984 obtaining the first silicone breast implant verdict linking silicone to autoimmune disease leading to the creation of MDL 926), Diet Drugs (in 1996 filed, litigated and resolved the first diet drug case against A.H. Robins regarding the diet drug combination Fen-Phen before the creation of MDL 1203 *In re Diet Drugs*; I personally handled every aspect of scores of individual Fen/Phen cases from case intake to trial preparation). Hersh & Hersh filed the first case against Guidant Corporation concerning the medical device Ancure (MDL 1708 was formed thereafter) and against Eli Lilly regarding the drug Zyprexa leading to MDL 1596. Our firm was one of the four members of the negotiating committee that led to the $700,000,000 settlement of the majority of that litigation. We served on the Plaintiffs' Committee in California

state coordinated litigation involving Sulzer hip implants. I have played a pivotal role at the firm in connection with coordinated and multi-district litigation, have worked cooperatively with numerous attorneys from law firms across the country in connection with those cases, and served on the Discovery and Law and Briefing Committees in MDL 1596 (Zyprexa).

As a member of Hersh & Hersh, I am willing and available to commit to these cases and have the time, financial and staff resources to work on behalf of all plaintiffs. I have worked with Fidelma Fitzpatrick of Motley Rice for the last two years on AMS litigation and am confident that we can jointly represent all plaintiffs as co-leads of the AMS litigation. I have also worked with members of the Proposed PSC and would welcome the chance to continue to work closely with them to address our clients' needs.

Therefore, I respectfully request that this Court appoint me as co-lead counsel of the AMS MDL and as a member of the Executive Committee and Plaintiffs' Steering Committee of MDLs 2325, 2326 and 2327.

March 28, 2012 Respectfully submitted,

/s/ Amy Eskin

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[1] *Boatman-Morse v. Montemayor and AMS*, Superior Court of the State of Arizona, Pima County C2008 8360.
[2] I am admitted to practice before the following district courts: Northern District of California; Central District of California; Eastern District of Pennsylvania; Southern District of Iowa; 9th Circuit Court of Appeals.